

Applicant : Theresa A. Hadlock et al.
Serial No. : 09/774,397
Filed : January 31, 2001
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Attorney's Docket No.: 00786-446001 / MGH-1550.1
Hadlock

REMARKS

Claim Status

Claims 1-59 are in the case. Claims 1, 34 and 58 have been amended. The remaining claims are unchanged. Applicants respectfully request that this amendment be entered after final, as it is submitted that this amendment places the claims in condition for immediate allowance.

Rejection Under 35 U.S.C. §102

Claims 1, 4, 6 and 7 have been rejected as being anticipated by Stensaas. The Examiner directs Applicants' attention to Figure 7A.

Claim 1 has been amended to recite a conduit including a support in the form of a roll, a cross-section of the roll approximating a spiral that includes at least 3 1/2 full rotations. Support for this amendment is found, e.g., in Fig. 1A and p. 5, lines 25-27 of Applicants' specification.

Figure 7A of Stensaas shows a "spiralled" tubular prosthesis in which the "spiral" includes only a single full rotation. Thus, claim 1 as amended is not anticipated by Stensaas and Applicants respectfully request that this rejection be withdrawn.

Rejections Under 35 U.S.C. §103(a)

Claims 2-3, 8-18, 40-43, 45-46 and 59 have been rejected as being unpatentable over Butler et al. in view of Stensaas et al, Goosen, and Hadlock et al. ("A Polymer Foam Conduit Seed."). Claims 19-39, 47-49 and 55-58 have been rejected as being unpatentable over these references further in view of Dionne.

Claims 2-3, 8-18, 43, and 45-46 are patentable for the same reason as claim 1, discussed above. None of the cited references teaches or fairly suggests a conduit including a support in the form of a roll, a cross-section of the roll approximating a spiral that includes at least 3 1/2 full rotations. With the exception of Stensaas, none of the cited references teaches or suggest a rolled

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support in which a cross-section of the roll approximates a spiral of any kind. Butler discloses a pre-formed, cylindrical cell encapsulating device. Hadlock also teaches a pre-formed cylindrical structure, formed, e.g., by injection molding. Goosen and Dionne are directed to encapsulation of cells, and add nothing of relevance regarding spiral structures.

With regard to claims 40-42, 47, 58 and 59, none of the cited references discloses or suggests a method that includes rolling a support around a nerve. Instead, Butler discloses a pre-formed, cylindrical cell encapsulating device that is implanted into an individual to supply therapeutic substances to the individual. Stensaas discloses a pre-formed (e.g., molded) cylindrical prosthesis into which the ends of a severed nerve can be inserted. Hadlock also teaches a preformed foam conduit that is seeded with cells and implanted. Goosen and Dionne describe methods of encapsulating cells and implanting the encapsulated cells in a patient.

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obvious
in view of
Stensaas

In view of the above, Applicants respectfully request that these rejections be withdrawn.

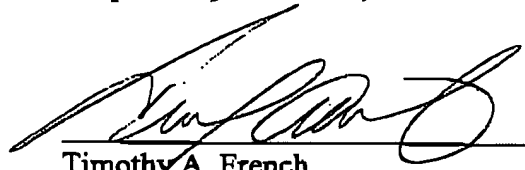
Rejection Under 35 U.S.C. §112, Second Paragraph

The Examiner states that claim 58 is indefinite "because it is not clear and does not clearly point out any steps for regenerating nerves." Applicants have amended claim 58 to add language that was inadvertently omitted. It is submitted that this amendment clarifies the claim and thereby overcomes the Examiner's rejection.

Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: Oct 23, 2003



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